IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 225 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

==========

1. Whether Reporters of Local Papers may be allowed to see the judgment? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MUKTABEN BACHUBHAI MARU

Versus

SHREE JAYANTILAL KARSHANDAS CHOTALIYA

Appearance:

MR RR TRIVEDI for Petitioner Nos. 1-6

RULE SERVED for the Respondent.

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 20/11/2002

ORAL JUDGEMENT

The petitioners are the original defendants, against whom the respondent has filed a suit, being Regular Civil Suit No.98 of 1997, which is pending before the learned Civil Judge (Junior Division), Jetpur. The said suit is filed for the purpose of getting possession

of the suit premises. In the said suit, the plaintiff gave an application at Exhibit 21 for appointing a Commissioner for the purpose of making local inspection of the suit premises. The trial Court, by its order dated 11.1.2000, allowed the said application and appointed a Court Commissioner for the purpose of making Panchnama of the rented premises. The said order is impugned in this revision application.

Considering the nature of the order, in my view, this is purely an interlocutory order, which is not required to be interfered with by this Court under Section 115 of the Code of Civil Procedure. Even on merits also, I do not find any substance in this revision application. It cannot be said that the trial court has committed any error of jurisdiction while passing the impugned order. In that view of the matter, this revision application is dismissed. Rule is accordingly discharged with no order as to costs. Interim relief stands vacated.

Writ to be sent to the trial court forthwith.

20th November, 2002 (P.B. Majmudar, J.)

***

(apj)